

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS
CONSTRUCTION INDUSTRY HEALTH
AND SECURITY FUND, *et al.*,

Plaintiffs,

v.

R G CONSTRUCTION, INC.,

Defendant.

CASE NO. C18-0435-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion for default judgment (Dkt. No. 11). The Court has considered the motion and the relevant record and FINDS that:

(1) Defendant was properly served in this matter on or about August 22, 2018 (Dkt. No. 7);

(2) The Clerk entered an order of default against Defendant on September 18, 2018 (Dkt. No. 9);

(3) Defendant has failed to appear or otherwise defend in this action; and

(4) The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986) support granting default judgment in Plaintiffs' favor.

Accordingly, Plaintiffs' motion for default judgment (Dkt. No. 11) is GRANTED in its

entirety. The Court ORDERS as follows:

SUMMARY OF DEFAULT JUDGMENT

Judgment Creditor	Operating Engineers Trust Funds
Judgment Debtor	R G Construction, Inc.

Amounts Payable to Plaintiff Fund

Liquidated Damages	\$3,638.02
Interest through April 13, 2018	\$396.10

Amounts Payable to All Plaintiffs

Attorney Fees	\$531.00
Costs	\$535.00
Other Recovery Amounts	None
Interest Rate on Costs	None

Attorneys for Judgment Creditor	Reid, McCarthy, Ballew, & Leahy, L.L.P.
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THIS MATTER coming on for consideration upon Plaintiffs' motion for default judgment against Defendant, Plaintiffs being represented by their attorney, Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., Defendant not being represented, and the Court having reviewed the records and file herein, including the affidavit of Russell J. Reid and the exhibits thereto and the declaration of Adam Keck and the exhibits thereto in support of Plaintiffs' motion, and being fully advised, now, therefore, it is hereby:

ORDERED, ADJUDGED AND DECREED that Plaintiffs be and hereby are awarded judgment against Defendant in the amounts hereinafter listed, which amounts are due the Plaintiffs by Defendant for its inclusive employment of members of the bargaining unit represented by Locals 302 and 612 with which Defendant has a valid collective bargaining agreement and which amounts are due by reason of its specific acceptance of the Declarations of Trust for the employment period of January 2018 and February 2018: for liquidated damages of

1 \$3,638.02, for pre-judgment interest of \$396.10, for attorney fees of \$531.00, and for costs of
2 \$535.00; for a total of \$5,100.12.

3 DATED this 20th day of December 2018.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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